

REMARKS

Applicants acknowledge the indication of the allowability of the subject matter of Claims 23-25, 27-30, 32-36 and 40, as set forth at page 6 of the Office Action. In particular, the latter claims would be allowable if rewritten in independent form (including in the case of Claims 27 and 30, resolution of the formal grounds of rejection). However, for the reasons set forth hereinafter, Applicants respectfully submit that these claims are allowable in their present dependent form. Accordingly, they have not been amended herein.

In response to the objection to the drawings, replacement sheets containing Figures 5 and 6 have been submitted herewith, together with marked copies of Figures 5 and 6 showing the changes which have been made. In particular, in Figures 5 and 6, the free-wheel clutch F1, has been eliminated, and the second electric drive unit 32 is connected to the sun gear SE of the pick off gear unit TE. The need for this revision resulted from an error in the preparation of Figures 5 and 6, with the free-wheel clutch of Figures 1 and 3 being erroneously included in Figures 5 and 6. In the corrected versions of the latter figures, the second electric drive unit is connected to the sun gear.

Support for this revision of the drawings is contained in Figure 7, which is a detailed depiction of the embodiment of Figures 5 and 6. Moreover, this feature of the invention is described in detail in the substitute specification at

paragraph [0071] (page 20, lines 28-31 of the original English-language translation); paragraph [0080], lines 3-6 (page 25, lines 7-13 of the original English-language translation); and at paragraph [00113] lines 11-19 (page 33, lines 10-20 of the original English translation). In particular, support for the proposition that the free-wheeling clutch F1 is not included in the embodiment illustrated in Figures 5-7 is found in the specification at paragraph [0031], line 7-13 (page 10, lines 12-19 of the original English-language translation). (“According to the embodiments according to Figures 1 and 3, if appropriate in addition to Figures 5, 6 and 7, a free-wheeling clutch F1 is arranged in operative terms between the planet carrier PTE and a non-rotating housing component GT....”) See also, paragraph [00113], lines 16-19 (page 33, lines 16-20 of the English translation. Accordingly, since the correction to Figures 5 and 6 does no more than to conform them to Figure 7, as described in the above portions of the specification, Applicants respectfully submit that the revisions to Figures 5 and 6 do not constitute new matter.

In response to the objection to the Abstract of the Disclosure (Office Action at page 3), Applicants have submitted herewith a new Abstract, on a separate sheet as required . In addition, Applicants have amended Claims 22 and 37 in the manner suggested by the Examiner. Accordingly, reconsideration and withdrawal of the foregoing grounds of objection are respectfully requested.

In response to the rejection of Claims 41-44 under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement, the latter claims have been cancelled. However, such cancellation is made without prejudice to Applicants' right to submit these or corresponding claims in a continuation application, should they determine to do so.

Claims 26, 27, 30 and 41-44 have been rejected under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the invention, based on certain formal issues identified at pages 4 and 5 of the Office Action. In response to these grounds of rejection, Applicants have amended the claims in the manner which addresses and is believed to resolve each of the cited formal issues. In particular, the phrase "the sun gear" in Claim 30 has been changed to "a sun gear of the pick off gear". Claim 41, on the other hand, has (as noted previously) been cancelled. Finally, the rejection of Claim 26 appears to have been resolved by the submission of corrected Figures 5 and 6, conforming them to the specification and Figure 7, as well as to the language of Claim 26. Accordingly, reconsideration and withdrawal of these grounds of rejection is respectfully requested.

Claims 22, 26, 31, 37-39 and 41-44 have been rejected under 35 U.S.C. §102(b) as anticipated by Regar (German patent document DE 41 24 479). However, for the reasons set forth hereinafter, Applicants respectfully submit

that the latter claims, as amended herein, distinguish over Regar, or any obvious modification thereof.

The present invention is directed to a drive train which includes both an internal combustion engine, and first and second electric drive units. A first power branch within the drive train conducts torque from the internal combustion engine, so that the first electric drive unit exchanges power with the first power branch in partial operating ranges. In addition, a second power branch is provided, which is operative at least in partial operating ranges, such that the second electric drive unit exchanges power with the second power branch in partial operating ranges. The drive train also includes a pick off gear unit having transmission elements, by which power of at least one of the first and second power branches is transferred to an output element.

According to a feature of the invention, as recited in Claim 22, in a first operating position, the power branches are coupleable directly to one another so that they share a common drive connection to a single one of the transmission elements of the pick off gear unit, as described in the substitute specification, for example, at paragraphs [0006] and [00110]. On the other hand, in a second operating position, the power branches are coupleable to one another via the pick off gear unit, with the power branches having drive connections respectively to two transmission elements of the pick off gear unit. (See, for example, substitute

specification at paragraph [0007] and [00111].) In the first operating position, at least four different operating modes are possible, including i) torque of the second drive unit being added to torque of the internal combustion engine, ii) operation of the power train exclusively by the second electric drive unit, iii) energy recovery, and iv) starting of the internal combustion engine by the second electric drive motor, as described in paragraph [0006] of the specification. On the other hand, in the second operating position, the superimposition of power from the two power branches via the pick off gear unit results in a variable transmission in the direction of the output element. In this manner, it is possible to implement, for example, what is referred to as a geared neutral point, represented by the output element when the internal combustion engine is working and the second electric drive unit is working. In addition, both forward and backward movement of the output element are also possible, depending on the rotational speed of the second electric drive unit.

The penultimate paragraph of Claim 22 has been amended to clarify that in the first operating position, the power branches are coupleable directly to one another, so that the power branches "share a common drive connection to a single one of the transmission elements of the pick off gear unit". The above described features of the invention, as provided in the last two paragraphs of Claim 22 are not taught or suggested in the cited Regar patent. That is, while Regar appears to disclose a hybrid drive system which includes electric motors 5

and 6, as well as an internal combustion engine 3, it does not teach or suggest alternative power branches which are coupleable directly to one another in a first operating position, such that the power branches "share a common drive connection to a single one of the transmission elements" of a pick off gear, and a second operating position in which the power branches are coupleable to one another via the pick off gear unit itself, with the power branches having drive connections to two transmission elements of the pick off gear unit, respectively.

Accordingly, Applicants respectfully submit that Claim 22, as well as all claims dependent therefrom (all remaining claims of record) distinguish over Regar, and are allowable.

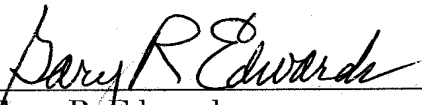
In light of the foregoing remarks, this application should be in consideration for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

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please charge any deficiency in fees or credit any overpayments to Deposit
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Respectfully submitted,



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Attachments – Replacement Sheets – Figures 5 and 6
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